

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

March 28, 2023

Nathan Ochsner, Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)United States Postal Service Priority Mail Express
Parcel: EI 565 760 786 USCase No. **4:23-mj-599**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

United States Postal Service Priority Mail Express Parcel: EI 565 760 786 US currently located at 4600 Aldine Bender Rd., Houston, TX 77315

located in the Southern District of Texas, there is now concealed (identify the person or describe the property to be seized):

See Attachment A

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

21 USC 841(a)(1)

21 USC 846

Offense Description

Possession with intent to distribute a controlled substance

Conspiracy to possess with intent to distribute a controlled substance

The application is based on these facts:

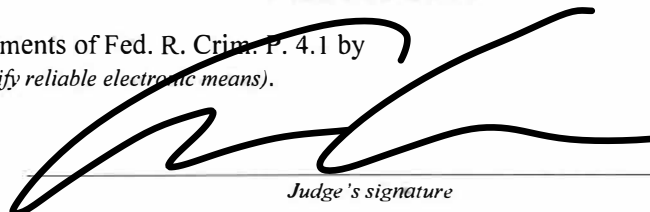
See Attached Affidavit in Support of Application

☒ Continued on the attached sheet.☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Matthew S. McClaid, U.S. Postal Inspector

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone (specify reliable electronic means).Date: March 28, 2023City and state: Houston, Texas

Judge's signature

Andrew M. Edison, United States Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In the Matter of the Search of

**United States Postal Service
Priority Mail Express Parcel
EI 565 760 786 US**

§
§
§
§
§
§

Case No. 4:23-mj-599

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Matthew S. McClaid, being duly sworn, state the following:

AGENT BACKGROUND

1. I am a Postal Inspector with the United States Postal Inspection Service (“USPIS”) and have been so employed since April 2004. Prior to becoming a Postal Inspector, I served as a law enforcement Officer with the Houston Police Department for a total of approximately five years. As part of my training as a Postal Inspector, I completed a 12-week training course in Potomac, Maryland, which included training in the investigation of drug trafficking using the mail. I am currently assigned to the USPIS Houston, Contraband Interdictions & Investigations team.

2. Since April 2004, I have participated in multiple investigations into violations of the Controlled Substances Act involving the United States Postal Service (“USPS”) and discussed my investigations with other experienced law enforcement officers. For these reasons, I am familiar with how drug traffickers use the mail to facilitate their trafficking.

INTRODUCTION

3. I make this affidavit in support of a warrant pursuant to Rule 41 to search a package, further described in paragraph 9, to seize the things described in Attachment A.

BACKGROUND

4. Experience and drug trafficking intelligence information gathered by the USPIS have demonstrated that the U. S. Postal Service (“USPS”) Priority Express Mail and Priority Mail are frequently utilized by drug traffickers for shipping controlled substances or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances. Use of Priority Express Mail and Priority Mail are favored because of the speed (Express Mail - overnight; Priority mail - two-day delivery), reliability, free telephone and Internet package tracking services, as well as the perceived minimal chance of detection. Priority Express Mail and Priority Mail were originally intended for urgent, business to business, correspondence. Intelligence from prior packages, which were found to contain controlled substances, or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances, has indicated that these parcels are usually addressed from an individual to an individual. Priority Express Mail and Priority Mail are seldom used for individual to individual correspondence.

5. In an effort to combat the flow of controlled substances through the overnight delivery services, interdiction programs have been established in cities throughout the United States by the USPIS. These cities have been identified as known ‘sources’ of controlled substances. The USPIS conducts an ongoing analysis of prior packages mailed through overnight delivery services, which were found to contain controlled substances or proceeds/payments of controlled substance sales. The analysis of prior packages, which were found to contain controlled substances, or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances, indicated that these parcels are usually sent from an individual to an individual. In the few cases when overnight delivery packages containing controlled substances, or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances, have displayed a business or company name, it has usually proven to be fictitious or used without the owner’s knowledge and

consent. Additionally, this analysis has established a series of characteristics which, when found in combination of two (2) or more, have shown a high probability that the package will contain a controlled substance, or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances. Information collected by the USPS has demonstrated that the presence of these characteristics is significant for delivery services, to include USPS Priority Express Mail, Federal Express, and United Parcel Service. This profile includes, but is not limited to, the following characteristics: package mailed from or addressed to a narcotic source city; package has a fictitious return address; package addressee name is unknown at the destination address; package sender name is unknown at the return address; package has address information which is handwritten; package is mailed to or from a Commercial Mail Receiving Agency (CMRA); package is addressed from an individual to an individual; phone numbers listed on the package are not related to the listed parties or are not in service; packages are wrapped and/or heavily taped; frequency of the mailings is inconsistent with normal use absent a business relationship; and the ZIP Code from where the package is mailed is different than the ZIP Code used in the return address.

6. The USPS analysis of prior narcotics packages mailed through overnight delivery services has consistently shown that the identification of source cities has proven to be one of several reliable characteristics used in identifying suspect parcels. This analysis has also demonstrated that narcotics parcels originating from states other than source locations have been consistently found to contain designer drugs, such as Ecstasy, GBL, GHB, Anabolic Steroids, and other similar controlled substances. Generally, such designer drugs are not organic and are the product of a laboratory process.

7. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not purport to set forth all my knowledge of or investigation into this

matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

8. It is affiant's belief that based upon information discovered, there will be evidence of criminal activities, namely offenses involving the possession with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1); Conspiracy to Possess with Intent to Distribute a controlled substance, in violation of Title 21, United States Code, Section 846; and money laundering, in violation of Title 18, United States Code, Section 1956.

TARGET PACKAGE

9. This affidavit is made in support of an application for a federal search warrant to search USPS Priority Mail Express Parcel: EI 565 760 786 US (Subject Parcel), collectively referred to as the Subject Parcel described more particularly as follows:

| | |
|------------------|---|
| Subject Parcel: | USPS Priority Mail Express Parcel: EI565760786US |
| Sender: | Bryan Simon 945 wax myrtle 77079 |
| Addressee: | Jay Le P.O. BOX 12637 westminster CA 92685 |
| Size: | White Cardboard Box approximately 11 3/4"x18 3/4" x 5 1/4" |
| Postmarked: | March 22, 2023 |
| Postmark Origin: | Houston, TX 77024 |
| Postage Amount: | \$53.65 |
| Weight: | 1 lb. 11.2 oz. |

PROBABLE CAUSE

10. On or about March 22, 2023, the Subject Parcel was observed at the North Houston Processing and Distribution Center ("N HOU P&DC"), within the Southern District of Texas. A

review of the Subject Parcel noted that it bore several characteristics indicative of a parcel which likely contained a controlled substance or moneys furnished or intended to be furnished towards the purchase of controlled substances.

11. The Subject Parcel had the following characteristics: it was mailed utilizing Priority Mail Express service from a known source/destination state (TX) to a known source/destination state (CA); mailed person to person; have address information that is handwritten; are heavily taped; and are mailed without a business account.

12. On or about March 22, 2023, Affiant conducted an open records query of the sender information listed on the Subject Parcel which revealed the listed sender address on the Subject Parcel: "945 Wax Mrytle Lane, Houston, TX 77079" is a valid address, and the name "Bryan Simon" is associated with it.

13. On or about March 22, 2023, Affiant conducted an open records query of the recipient information listed on Subject Parcel which revealed the listed address on Subject Parcel: "PO Box 12637, Westminster, CA 92685" is a valid delivery address. However, the listed recipient "Jay Le" does not associate to the address. Affiant knows based upon his training and experience that narcotics traffickers often use fictitious addresses to conceal their true identities from law enforcement .

14. On or about March 23, 2023, Affiant obtained the assistance of Officer C. Reitz, a Canine Officer ("K9") with the Houston Police Department and certified handler of K9 "Bo." Officer C. Reitz and "Bo" are certified as a team in the detection of controlled substances. Officer C. Reitz and "Bo" received their certification through the National Narcotic Detector Dog Association ("NNDDA"). "Bo" has numerous hours of training in the detection of controlled substances such as Marijuana, Cocaine, Methamphetamine, MDMA and Heroin. "Bo" has successfully alerted on concealed controlled substances in numerous prior cases, which has led to the arrest of numerous suspects for drug law violations. "Bo" was last certified in February 2023.

15. Upon Officer C. Reitz's arrival, "Bo" was allowed to examine the Subject Parcel individually along with three (3) "dummy" boxes (boxes containing no suspected controlled substances, in fact empty boxes) on the floor in different locations known not to be contaminated with the odor of controlled substances. "Bo" conducted an exterior examination of the Subject Parcel and "dummy" boxes. Officer C. Reitz advised that "Bo" indicated a positive alert to the presence of a controlled substance scent coming from within the Subject Parcel.

CONCLUSION

16. Based on the facts set forth above, there is probable cause to believe the Subject Parcel contains one or more controlled substances, drug paraphernalia, proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances, and material relating to the distribution of same. In the past, all the above factors have been indicative of packages which contained illegal controlled substances, or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances.

17. The Subject Parcel is currently in the custody of your Affiant. Affiant, therefore, seeks the issuance of a search warrant for the search of the Subject Parcel for any such controlled substance, proceeds/funds for controlled substances or evidence, fruits of crime, and instrumentalities, in violation of Title 21, United States Code, Sections 841(a)(1), and 846.



Matthew S. McClaid
U. S. Postal Inspector

Subscribed and sworn to me by telephone at Houston, Texas, on this 28th day of March 2023, and I do hereby find probable cause.



Andrew M. Edison
United States Magistrate Judge

ATTACHMENT A

Property to be seized.

Any and all evidence, including but not limited to physical items, records and data relating to violations of Federal Narcotics Laws, including It is affiant's belief that based upon the investigation, the following statutes may have been violated; Title 21, United States Code, Section 841(a)(1) (possession with intent to distribute controlled substances); Title 21, United States Code, Section 846 (conspiracy); and, Title 18, United States Code, Section 1956 (money laundering), those violations involving unknown subjects and occurring after March 12, 2023, through present, including:

- a. Any and all controlled substances;
- b. Records and information relating to the identity or location of the suspects;
- c. Identifying information, including but not limited to fingerprints, DNA or other identifying material;
- d. Cash money, United States currency, foreign currency, checks, or any other form of value payment;